

**REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-2, 4-13, 15-23, and 25-32 will be pending. By this amendment, claims 1, 12, and 22 have been amended.

**§103 Rejection of Claims 1-2, 4-9, 11, 22-23, 25-30, and 32**

On page 4 of the Final Office Action, the Examiner has rejected claims 1-2, 4-9, 11, 22-23, 25-30, and 32 under 35 U.S.C. §103(a) as being unpatentable over Kutaragi et al. (U.S. Patent 6,122,739; hereinafter referred to as "Kutaragi") in view of Jones et al. (U.S. Patent 6,363,163 B1; hereinafter referred to as "Jones"). This rejection is respectfully traversed below.

Regarding claim 1, as shown above, claim 1 has been amended and calls for:

1. (Currently Amended) A method of authenticating information, comprising the steps of
  - performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a first rule at a predetermined time, wherein said first rule is that normal authentication is declared in said absolute authentication process if the information for authentication is detected as being recorded in said predetermined position;
  - executing a program transferred from said recording medium if normal authentication is declared in said absolute authenticating process; and
  - performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time while said program is executing, wherein said second rule is that normal authentication is declared in said arbitrary authentication process if the information for authentication is detected as being not recorded in arbitrary positions other than said predetermined position.

Accordingly, in one aspect of claim 1, two authentication processes are performed at different times. If normal authentication is declared in the absolute authentication process, a program transferred from the recording medium is executed. While the program is executing, at an arbitrary time the arbitrary execution process is performed. (See, e.g., Figure 4 of the present application.) The two authentication processes are performed at specific times relative to the execution of the program. The absolute authentication process is performed before executing the program and passing the absolute authentication process allows the program to be executed. The arbitrary authentication process is performed at an arbitrary time while executing the program. By using two authentication processes at different times relative to the execution of a program, the security of the system is enhanced and it is more difficult to use a counterfeit copy of a program (that would not pass both authentication processes). An initial authentication process before executing the program provides a “gateway” authentication to control initial execution. A later authentication at an arbitrary time during execution provides an additional control at a different time than the earlier authentication process.

Claim 1 has been amended and so the arguments presented by the Examiner in rejecting claim 1 in Section 10 of the Office Action do not appear to apply to amended claim 1. However, were the same arguments applied to amended claim 1, it does not appear that those arguments would establish how the cited combination of Kutaragi and Jones shows using two authentication process as called for in claim 1. As discussed above, in claim 1, the absolute authentication process is performed before executing the program and the arbitrary authentication process is performed while executing the program. This timing is different from simply performing two authentication processes. Claim 1 calls for performing two authentication processes at two

respective times relative to the execution of a program. Even assuming that the cited combination addresses using two authentication processes, it does not appear that the Examiner's arguments would address the timing of performing the two authentication processes as called for in claim 1.

Accordingly, it does not appear that the Examiner has established how the cited combination of Kutaragi and Jones, as referenced by the Examiner in rejecting claim 1, shows or suggests at least these aspects of amended claim 1, and so it is submitted that the Examiner has not established how the cited combination of Kutaragi and Jones shows or suggests amended claim 1 as a whole. Claims 2, 4-9, and 11 depend from claim 1, and it is also submitted that the Examiner has not established how the cited combination of Kutaragi and Jones shows or suggests claims 2, 4-9, and 11, through their dependence on claim 1. Similar arguments apply to claim 22, and so to claims 23, 25-30, and 32 that depend from claim 22.

Based upon the foregoing, it is submitted that claims 1-2, 4-9, 11, 22-23, 25-30, and 32 are not anticipated by nor rendered obvious by the teachings of Kutaragi and Jones, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 1-2, 4-9, 11, 22-23, 25-30, and 32 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 12, 13, 15, 16, 17, and 21

On page 12 of the Final Office Action, the Examiner has rejected claims 12, 13, 15, 16, 17, and 21 under 35 U.S.C. §103(a) as being unpatentable over Timmermans et al. (U.S. Patent 5,737,286; hereinafter referred to as "Timmermans") in view of Jones et al. (U.S. Patent 6,363,164 B1; hereinafter referred to as "Jones"). This rejection is respectfully traversed below.

Regarding claim 12, as shown above, claim 12 has been amended and calls for:

12. (Currently Amended) A disk playback apparatus for playing back information on a disk-type recording medium, comprising:  
absolute authentication means for performing an absolute authentication process for authenticating a recording medium with information for authentication being recorded in a predetermined position therein, according to a first rule at a predetermined time, wherein said first rule is that normal authentication is declared in said absolute authentication process if the information for authentication is detected as being recorded in said predetermined position;  
executing means for executing a program transferred from said recording medium if normal authentication is declared in said absolute authenticating process; and  
arbitrary authentication means for performing an arbitrary authentication process for authenticating said recording medium according to a second rule at an arbitrary time while executing said program, wherein said second rule is that normal authentication is declared in said arbitrary authentication process if the information for authentication is detected as being not recorded in arbitrary positions other than said predetermined position.

Accordingly, in one aspect of claim 12, the absolute authentication means and the arbitrary authentication means perform two respective authentication processes at two respective times relative to the execution of the program, similar to the discussion above with respect to claim 1. The absolute authentication means performs the absolute authentication process before the executing means executes the program, and the arbitrary authentication means performs the arbitrary authentication process while the executing means executes the program.

Claim 12 has been amended and so the arguments presented by the Examiner in rejecting claim 12 in Section 10 of the Office Action do not appear to apply to amended claim 12. However, were the same arguments applied to amended claim 12, it does not appear that those arguments would establish how the cited combination of Timmermans and Jones shows using two authentication process as called for in claim 12. As discussed above, in claim 12, the

absolute authentication process is performed before executing the program and the arbitrary authentication process is performed while executing the program. This timing is different from simply performing two authentication processes. Claim 12 calls for performing two authentication processes at two respective times relative to the execution of a program. Even assuming that the cited combination addresses using two authentication processes, it does not appear that the Examiner's arguments would address the timing of performing the two authentication processes as called for in claim 12.

Accordingly, it does not appear that the Examiner has established how the cited combination of Timmermans and Jones, as referenced by the Examiner in rejecting claim 12, shows or suggests at least these aspects of amended claim 12, and so it is submitted that the Examiner has not established how the cited combination of Timmermans and Jones shows or suggests amended claim 12 as a whole. Claims 13, 15-17, and 21 depend from claim 12, and it is also submitted that the Examiner has not established how the cited combination of Timmermans and Jones shows or suggests claims 13, 15-17, and 21, through their dependence on claim 12.

Based upon the foregoing, it is submitted that claims 12, 13, 15, 16, 17, and 21 are not anticipated by nor rendered obvious by the teachings of Timmermans and Jones, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 12, 13, 15, 16, 17, and 21 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 10 and 31

On page 16 of the Final Office Action, the Examiner has rejected claims 10 and 31 under 35 U.S.C. §103(a) as being unpatentable over Kutaragi et al. (U.S. Patent 6,122,739; hereinafter referred to as “Kutaragi”) in view of Jones et al. (U.S. Patent 6,363,164 B1; hereinafter referred to as “Jones”) in further view of Timmermans et al. (U.S. Patent 5,737,286; hereinafter referred to as “Timmermans”). This rejection is respectfully traversed below.

Claims 10 and 31 depend from claims 1 and 22, respectively. As discussed above, it is submitted that the rejections of claims 1 and 22 have been overcome. Therefore, it is respectfully submitted that the rejections of claims 10 and 31 have also been overcome through the dependence of claims 10 and 31 on claims 1 and 22, respectively.

Based upon the foregoing, it is submitted that claims 10 and 31 are not anticipated by nor rendered obvious by the teachings of Kutaragi, Jones, and Timmermans, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner’s rejection of claims 10 and 31 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 18, 19, and 20

On page 17 of the Final Office Action, the Examiner has rejected claims 18, 19, and 20 under 35 U.S.C. §103(a) as being unpatentable over Timmermans et al. (U.S. Patent 5,737,286; hereinafter referred to as “Timmermans”) in view of Jones et al. (U.S. Patent 6,363,164 B1; hereinafter referred to as “Jones”) in further view of Kutaragi (U.S. Patent 6,122,739; hereinafter referred to as “Kutaragi”). This rejection is respectfully traversed below.

Claims 18-20 depend from claim 12. As discussed above, it is submitted that the rejection of claim 12 has been overcome. Therefore, it is respectfully submitted that the rejections of claims 18-20 have also been overcome through the dependence of claims 18-20 on claim 12.

Based upon the foregoing, it is submitted that claims 18, 19, and 20 are not anticipated by nor rendered obvious by the teachings of Timmermans, Jones, and Kutaragi, as presented and referenced by the Examiner. Accordingly, it is submitted that the Examiner's rejection of claims 18, 19, and 20 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

**CONCLUSION**

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 1-2, 4-13, 15-23, and 25-32 is respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicants' representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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